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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,221	02/02/2007	Bernhard Mattes	10191/4229	7375
26646	7590	12/11/2007	EXAMINER	
KENYON & KENYON LLP			CRIBBS, MALCOLM D	
ONE BROADWAY			ART UNIT	PAPER NUMBER
NEW YORK, NY 10004			2115	
			MAIL DATE	DELIVERY MODE
			12/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/576,221

Applicant(s)

MATTES ET AL.

Examiner

Malcolm D. Cribbs

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 16 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>04/13/06; 08/02/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-10 have been cancelled.

Claims 11-20 are presented for examination.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

10 (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15 Claims 1-15, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art [Background, hereinafter referred to as AAPA].

As per claim 1, AAPA teaches the invention comprising:

a processor outputting a clock pulse [Page 1, lines 4-7];

20 at least one further circuit, wherein [Page 1, lines 4-7]:

a clocked data transmission occurs between the processor and the at least one further circuit [Page 1, lines 4-7].

AAPA teaches a method of transferring signals between circuits, however AAPA
25 does not teach the processor monitoring the clock pulse based on output signals of at least two clock outputs.

Jarocho teaches another method of transferring signals between circuits.

Jarocho discloses monitoring the signal [Fig. 3 signal 90], which is fed back into the processor [Fig. 3 controller 40], based on output signals of at least two signals [Fig. 3,

5 signal 92, and signal 102] which adds the benefit of detecting the phase of the two signals to recognize and provide warning when the signals are out of phase [Col 3 lines 45-63].

It would have been obvious to one of ordinary skill of the art having the teachings
10 of AAPA and Jarocho at the time the invention was made, to modify the clock transmission method of AAPA to include the ability to detect the phase of the signal being output therefrom. One of ordinary skill in the art would have been motivated to make this combination of including a method of detecting out-of-phase signals in view of the teachings of Jarocho, as doing so would give the added benefit of detecting the
15 phase of the two signals to recognize and provide warning when the signals are out of phase [as taught by Jarocho above].

As per claim 12, Jarocho teaches the invention wherein the at least two clock outputs are connected in such a manner that the control unit generates a monitoring
20 signal as a function of the output signals [Col 3 lines 45-63; Col 3 lines 4-12].

As per claim 13, Jarocha teaches the invention further comprising: an exclusive-OR element to which the output signals are supplied, respectively, wherein the monitoring signal is generated as a function of a signal of the exclusive-OR element [Fig. 3 exclusive-or 94; Col 3 lines 4-12].

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As per claim 14, Jarocha teaches the invention wherein: the at least two clock outputs are connected in such a manner that the output signals are fed back respectively to a first input and a second input of the processor in order for the processor to monitor the output signals and to generate a monitoring signal as a function thereof [Fig. 3 output 103; Col 3 lines 35-40].

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As per claim 15, it would have been obvious to one of ordinary skill in the art in view of AAPA and Jarocha to connect the two clock outputs to generate the clock pulse as a function of the two.

15

As per claims 16, and 17, it is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

20

As per claim 18, Jarocha teaches the invention wherein the clock pulse is supplied to at least one of an impedance transformer and an amplifier [Col 3 lines 26-40].

As per claims 19 and 20, It would have been obvious to one of ordinary skill of the art to assign separate port groups thus allowing independency between the two wherein, for example, if one fails the other is not affected.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Malcolm D. Cribbs whose telephone number is 571-272-5689. The examiner can normally be reached on M-F 8AM-430PM.

10 If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Lee can be reached on 571-272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

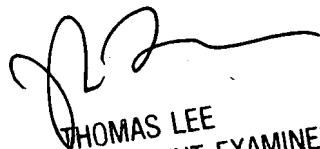
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15 published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a
20 USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Malcolm D Cribbs
Examiner
Art Unit 2115

December 6, 2007



THOMAS LEE
SUPERVISORY PATENT EXAMINER
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